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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/612,502      | 07/03/2003  | Colin Ford           | 7180                | 3494             |

7590 04/19/2004

Riverwood International Corporation  
814 Livingston Court  
Marietta, GA 30067

EXAMINER

DESAI, HEMANT

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3721

DATE MAILED: 04/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                    |  |
|------------------------------|--------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/612,502 | <b>Applicant(s)</b><br>FORD ET AL. |  |
|                              | <b>Examiner</b><br>Hemant M Desai    | <b>Art Unit</b><br>3721            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 14-21, 23-26, 28 and 29 is/are rejected.
- 7) ☒ Claim(s) 12, 13, 22 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-11, 14-18, 20-21, 23-26, 28-29 are rejected under U.S.C. 102(b) as being anticipated by Tisma (5388389).

Tisma discloses a system and method for packaging products, comprising a series of carriers (14, fig. 1) each adapted to receive at least one product therein (see col. 3, lines 35-37), an inserter unit (20 fig. 1) that receives and moves the carriers in spaced series along a path of travel for packaging, and which includes a series of inserter assemblies (44, 45, fig. 4) adapted to engage and urge the products out of the carriers, and a carton transport conveyor (carton conveyor, see fig. 1) moving a series of cartons (18, fig. 1) in timed relationship with the movement of the carriers along their path of travel such that the products are received within the cartons as the products are urged out of the carriers by the inserter assemblies, which meets all the claimed limitations.

Regarding claim 3, the carton conveyor includes a series of spaced carton locator device (see fig. 1).

Regarding claim 4, the carriers (14) are loaded with the products and are conveyed to the inserter unit.

Regarding claim 5, the inserter unit includes a guide track (cams 41-42, figs. 3, 5) to be engaged by the carriers (14) as they move along their path of travel for merging the carriers into a single line of carriers moving through the inserter unit.

Regarding claim 7, the inserter assemblies (20) each comprises an inserter rod (44, fig. 4) slideably mounted to a support and moveable from a retracted, non-engaging position into an extended, engaging position for urging the products out of their carriers.

Regarding claim 8, a cam follower (44, fig. 4) mounted to each inserter rod and engaging a cam track (not shown) for moving each inserter rod between its engaging and non-engaging positions.

Regarding claim 9, each carrier (14) comprises a pair of opposed side plates (19, fig. 6) hingedly attached so as to be pivotable toward an open position for receiving products therewithin.

Regarding claim 10, a carrier conveyor (12) having loading station (see fig. 1) at an upstream end, wherein a series of products from at least one product transport line (26, fig. 1) are received and loaded into each carrier.

Regarding claim 11, the loading station (fig. 1) receives products from multiple product transport lines (26), which alternatively feed products into each carrier.

Regarding claim 14, Tisma, as mentioned above, discloses the method of packaging products in cartons of varying sizes.

Regarding claim 15, the inserter unit comprises selecting and metering multiple lines of carriers (26, fig. 1) into a single line of carriers (14, fig. 1) moving through the inserter unit (20).

Regarding claim 16, placing the products in carriers comprises loading a least one product into each carrier with the product oriented substantially horizontally.

Regarding claim 20, moving the cartons (18) along their path further comprises guiding the cartons toward the carriers from an outer location (carton magazine, see fig. 2) spaced from the path of travel of the carriers to an inner location adjacent the carriers.

Regarding claim 21, Tisma discloses a series of products (26, fig. 10) from multiple different products transport lines to the carriers of a plurality of carrier conveyors.

Regarding claim 23, placing the products in the carriers comprises loading at least one product in each carrier from a loading conveyor and moving the carriers away from the loading conveyor at a higher rate than the products are moved along the loading conveyor.

Regarding claim 24, Tisma, as mentioned above, discloses the system for packaging a series of irregularly shaped products in cartons.

Regarding claim 25, each of the carriers (14) includes an asymmetric feature (see fig. 6) along one of said sidewalls to guide the products into their stacked arrangement.

Regarding claim 26, the carriers comprise a pair of opposed plates (fig. 6) each including an upper wall and a base portion and wherein the base portions of the plates are pivotally connected by a hinge pin.

Regarding claim 28, the inserter unit (20) adjacent the carrier conveyor (fig. 1) and having a plurality of inserter assemblies, wherein as the carriers are received and move through the inserter unit, the inserter assemblies engage and urge the products within each of said carriers into a corresponding carton.

Regarding claim 29, the carrier conveyor includes guide rails and the carriers include channels to receive the guide rails therein.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Tisma in view of Petry et al. (5175976).

Tisma, as mentioned above, discloses all the claimed limitations, except for a funnel conveyor. However, Petry et al. teach a funnel conveyor (7, fig. 1) between two conveyors (2, 4, fig. 1) to guide the product (12, fig. 1) into the open end of the box (1, fig. 1, see col. 3, lines 65-68). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to having provided the funnel

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conveyor as taught by Petry et al. In the system and method for packaging products of Tisma to guide the product into the open end of the box.

***Allowable Subject Matter***

5. Claims 12-13, 22 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant M Desai whose telephone number is (703) 308-5830. The examiner can normally be reached on 7:00 AM-5: 30 PM, Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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*Hemant M. Desai.*

Hemant M Desai

Examiner

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HMD